

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO. 11-145**

V. * **SECTION: “R”**

JOSE LEONEL POSADAS-MARTINEZ *

a/k/a Christian

a/k/a Jose Posadas *

* * *

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the Indictment now pending against the defendant:

The Defendant, **JOSE LEONEL POSADAS-MARTINEZ** (hereinafter “**POSADAS**”), has agreed to plead guilty as charged to the two-count Indictment charging him with two counts of unlawful transfer of a false identification document, in violation of Title 18, United States Code, Section 1028(a)(2).

U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) received information from a confidential informant (CI) that an individual known as "Christian," was selling fraudulent Permanent Resident Cards and Social Security cards.

On April 20, 2011, a confidential information (hereinafter CI#1), under the direction of HSI agents, arranged a purchase of a fraudulent Permanent Resident Card and Social Security card with Christian. Christian and CI#1 met at a Target parking lot in Metairie, and Christian took CI#1's photo. Christian then left in a Nissan Xterra, registered to Jose Posadas-Martinez. HSI conducted surveillance on the Xterra and followed it to 4821 Yale Street, Apt. B in Metairie.

Approximately one hour after arriving at the apartment at 4821 Yale Street, Christian drove back to the parking lot at the Target in Metairie. CI#1 got into the Xterra and Christian sold him a fraudulent Permanent Resident Card and Social Security card, each bearing the name Jose Hernandez. CI#1 provided Christian with \$130 in cash. After the meeting, the documents were turned over to HSI. The Permanent Resident Card bears CI#1's photo, country of birth as Honduras, and the Alien number XXX-XXX-693. The Social Security card bears number XXX-XX-6172. HSI agents identified Christian as being an alias for **JOSE LEONEL POSADAS-MARTINEZ (POSADAS)**.

An official with U.S. Citizenship and Immigration Services (hereinafter “USCIS”) would testify that Permanent Resident Cards are issued to individuals who lawfully apply for and are granted Lawful Permanent Resident status by USCIS. The USCIS official would testify that a Permanent Resident Card also known as a Form I-551 or “Green Card”, is issued to a Lawful Permanent Resident to serve as evidence of immigration status, registration, identity, and employment authorization; they also serve as entry documents upon return trips from outside of the United States. The USCIS official would testify each person granted Lawful Permanent Resident status is issued an Alien Registration number, which is printed on the Permanent Resident Card issued to that person. The USCIS official would further testify that the issuance of Permanent Resident Cards is administered by USCIS, an agency of the U.S. Department of Homeland Security, and is regulated by USCIS and ICE.

The USCIS official would also testify that Alien Registration number XXX-XXX-693 printed on the Permanent Resident Card transferred by **POSADAS** was not properly assigned to the CI or **POSADAS** according to CIS records.

An official from the Social Security Administration would testify that Social Security numbers are issued by that agency to individuals who lawfully apply for Social Security cards. Records from the Social Security Administration would be introduced into evidence to show that Social Security account number XXX-XX-6172 was not properly assigned to the CI or **POSADAS**.

An HSI agent would testify that he witnessed the meeting of CI#1 and **POSADAS** in the Target parking lot on April 20, 2011. The HSI agent would further testify that he followed **POSADAS** to 4821 Yale Street, Apt. B in Metairie and then followed **POSADAS** back to the parking lot at the Target in Metairie where CI#1 took possession of the fraudulent Permanent Resident Card and Social Security card. The HSI agent would also testify that after CI#1 took possession of the documents, CI#1 turned the fraudulent Permanent Resident Card and Social Security card over to HSI agents.

CI#1 would testify that on April 20, 2011, CI#1 arranged a purchase of a fraudulent Permanent Resident Card and Social Security card with **POSADAS**, that CI#1 met **POSADAS** at a Target parking lot in Metairie, and **POSADAS** took CI#1's photo. CI#1 would then testify that **POSADAS** left in a Nissan Xterra. CI#1 would further testify that later that same day **POSADAS** and CI#1 again met in the parking lot at the Target in Metairie. CI#1 would testify he got into the Xterra and **POSADAS** sold him a fraudulent Permanent Resident Card and Social Security card, each bearing the name Jose Hernandez. CI#1 would testify he provided **POSADAS** with \$130 in cash. CI #1 would also testify that after the meeting, CI#1 turned the documents were over to HSI agents.

Finally, a forensic document examiner from the HSI Forensic Document Laboratory would testify that upon he conducted physical, microscopic, instrumental and comparative examinations of the Social Security card bearing Social Security Number XXX-XX-6172 and the Permanent Resident Card bearing Alien Registration Number

XXX-XXX-693, which were transferred by **POSADAS** on April 20, 2011. The forensic document examiner would testify that he determined both of those identification documents to be counterfeit.

JOSEPH LA ROCCA
Special Assistant United States Attorney

Date

JOSE LEONEL POSADAS-MARTINEZ
Defendant

Date

SAM SCILLITANI
Attorney for Defendant

Date